Supreme Court, U.S.
FILED
AUG 30 2010
OFFICE OF THE CLERK

No. 10-40

IN THE
SUPREME COURT OF THE UNITED STATES

RONALD JULIAN HANSON & KATHY ANN HANSON,
PETITIONERS –PRO SE,
VS.
THE STATE OF HAWAII, THE HONORABLE JUDGE GARY WB CHANG, AND THE COURT ADMINISTRATOR GLENNARD FONG
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF HAWAII

Distributed for Conference on September 27, 2010

MOTION TO PROCEED IN FORMA PAUPERIS DECLARATION AND SUPPLEMENTAL BRIEF TO PETITION FOR A WRIT OF CERTIORARI

Ronald Julian Hanson & Kathy Ann Hanson

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Petitioners

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PETITIONERS MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

1. The petitioners' asks leave to proceed in forma pauperis.
2. Petitioners' have not previously been granted leave to proceed in forma pauperis in the court(s).
3. Petitioner's declaration in support of this motion is attached hereto.

Dated this 30th day of August 2010

Ronald & Kathy Hanson, Petitioners

DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

We, Ronald & Kathy Hanson are the petitioners in the above-entitled case. In support of our motion to proceed in forma pauperis, we state that because of our poverty, we are unable to pay the costs of this case or to give security therefore; and we believe we are entitled to redress.

1. Income Source

Av. Monthly/Past 12 Mo.		Av. Expected next 12 Mo.	
You	Spouse	You	Spouse
Employment			
$3,562	$4,250	$0000	$4,250
Self-employment			
n/a	n/a	n/a	n/a
Income from real Property		We/Past	We/Next
(rental)		$5,200	$8,200

Interest/Dividends	n/a	n/a
Gifts	n/a	n/a
Alimony	n/a	n/a
Child Support	n/a	n/a
Retirement etc	n/a	n/a
Disability etc	n/a	n/a
Unemployment	n/a	n/a
Public-assistance	n/a	n/a
Other	n/a	n/a
Total monthly income	**$13,012**	**12,450**

2. Employment History past 2-years for You:

Damien Memorial School 1401 Houghtailing St Honolulu, HI

July 2007- July 2010 Gross Monthly pay $3562

3. Employment History past 2-years for Spouse:

United States Postal Service 3600 Aolele St Honoluluy, HI

May 1985- Present $4250

4. How much cash do you and your spouse have $50

Financial Institution	Type	You	Joint	Spouse
First Hawaiian	Checking	n/a	$3000	n/a
Wells Fargo	Checking	n/a	$3000	n/a
Point Loma/Endura	Checking	n/a	$2400	n/a
US FCU	Saving	n/a	$1000	n/a
Putnam	Investment	n/a	n/a	36000

5. List of Assets, values
    a. Home $740,000 (based on zillow.com) (-397,606 loan value, - $45,000 Home equity loan)
    b. Other Real Estate (not 100% owners- $971,000 (bases on zillow.com) (-907,247 loan value)
    c. Motor Veh#1 2006 Chev PU $9500, Veh. #2 1984 Cadi $1,000 Veh. #3 2002 Chev Monte $1,500
    d. Other Assets n/a
6. State every person, business, or organization owing you or your spouse money, and the amount owed. n/a
7. State the persons who rely on you or your spouse for support.
   Katrina Lahr Daughter 24
   Husband deployed Afghanistan
8. Estimate the average monthly expenses of you and your family
    a. Mortgage payment $8,450

b.	Rent (Safe House)	$1,250
c.	Property Tax non-escrow	$174
d.	GE Tax (Hawaii)	$390
e.	Property Insurance	$113
f.	Utilities	$322
g.	Home maintenance	$150
h.	Association Due	$680
i.	Food	$400
j.	Charitable contribution (work/deduction)	$50
k.	Clothing/union	$140
l.	Medical/ Dental	$288
m.	Medical prescriptions/co-pays	$100
n.	Transportation Fuel Costs	$350
o.	Installment	
	i. Equity	$400
	ii. Student loan	$100
	iii. Credit Cards	$500
	iv. Job Search/licenses	$200
	v. Other medical/lab work	$100
	vi. Pet expense	$75
	vii. Legal	$200
	viii. Car Insurance	$150
	ix. Life Insurance	$90
	x. Public storage	$325
p.	Other upcoming wedding	?
Total monthly expenses		**$14,997**

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? Yes
    a. Loss of employment (Ron)
    b. Legal dispute of debt owed PCA $632
    c. Loss of homes if unrented
    d. Debt to contractor for fence dispute $5,000+
    e. Donation of Vehicle Chev Monte Kidney foundation
    f. Daughter's wedding plans committed to $20,000
10. Have you paid- or will you be paying- an attorney any money for services in connection with this case. Yes PCA $150,000
11. Have you paid-or will you be paying- anyone other than an attorney any money for services in connection with this case. Yes, legal process server, persons with supportive skills, and other persons deemed necessary and just under the circumstances.
12. Provide any other information that will help explain why you cannot pay the costs of this case.
    a. We have been financially devastated by the criminal actions of the trial court judge Gary WB Chang, Attorney law firm Anderson, Lahne & Fujisaki LLP, and PCA's agents & representative as co-conspirators.

b. We have been forced out of employment and our home by these persons who have perpetuated a pattern of unlawful debt collection practices (RICO) by harassment, intimidation, and extortion encouraged by a "dirty judge".
c. The ability to think clearly anymore is lost. We have worked very hard our whole life, raised two daughters we wanted to see raise their families and now stand to lose everything in the face of total destruction at a time in our life that is too late to recover.
d. Those parties responsible are not being held accountable through the legal forum and are like a run-a-way freight train that is out of control. Inadequate financial resource exist to stop this freight train through lawful channels.
e. In forma Paupers must be granted to restore faith that criminals, however cloaked, are not rewarded in our judicial system of law.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of August 2010

Ronald & Kathy Hanson

SUPPLEMENTAL BRIEF

INTRODUCTION

Petitioners Ronald Julian Hanson & Kathy Ann Hanson hereby submit this supplemental brief pursuant to Rule 15.8 and Rule 18.10 of the United States Supreme Court. This brief presents other intervening matter not available at the time of the party's last filing and challenges the pending jurisdictional statement submitted by Brief in Opposition of Respondent, Palehua Community Association (PCA) filed Aug. 3, 2010.

CONCISE STATEMENT OF THE CASE

The underlying case is an action brought by PCA in violation of Hawaii State law H.R.S. § 661-21 et seq. and in retaliation for the Petitioners filing a Qui Tam action with the Circuit Court of the First Circuit May 15, 2009 (No. 1CC09-1-001137). The Petitioners filed the Qui Tam as a result of a belief PCA and its attorneys (Anderson, Lahne, & Fujisaki LLP) were engaged in a pattern of unlawful debt practices (15 U.S.C. § 1692 et seq.) consistent with RICO criminal activity of (18 U.S.C. §

1962 et seq.) and trying to wrongfully obtain monies under the guise of H.R.S. § 421-10 and H.R.S. § 607-14

ARGUMENT I - JURISDICTION

Jurisdiction of this court is invoked under 28 U.S.C. § 1257 (a) and consistent with United States Supreme Court Rule 10 (b) and (c) that is timely filed pursuant to Rule 13. A writ of certiorari is not a right, but a matter of judicial discretion (Rule 10) especially when exceptional circumstances warrant the exercise of the Court's discretionary or supervisory powers when adequate relief cannot be obtained in any other form or from any other court (Rule 20). In this case, the Hawaii Supreme Court is the highest court of last resort in the State of Hawaii to address an interlocutory appeal via a writ of mandamus calling for the exercise of the Hawaii Supreme Court's supervisory authority pursuant to H.R.S. § 602-4 in holding inferior disobedient judges accountable for a failure to follow established Rules of Civil Procedure. An expectation clearly stated by this court in Will v. United States, 389 U.S. 249 (1957). It is

time for this court to reaffirm the 1957 decision to restore confidence in the judiciary that no person is above the law or decisions of the United States Supreme Court. The perpetuation of a trial court proceeding not following any rules is a cruel, inhumane, and an unconscionable act. The disobedient judge knows added stress and financial distress or lack thereof will be imposed upon the party seeking an obvious appeal, if able, to correct the trial court's manifest abuse of judicial discretion (see Hawaii Supreme Justice J. Acoba's dissenting opinion in State v. Hauanio No. 23034 (Hawaii, Aug. 30, 2001)). United States Constitutional deprivations to facilitate a trial court proceeds is akin to police officers violating the law to enforce it. It simply offends fundamental due process.

Argument II – Intervening Matter

Procedure History Continuation since last filing

On June 8, 2010, the Petitioners filed an Ex Parte Motion for "like sanctions" against the Plaintiff and Third party Defendants for contempt of court orders January 6,

2010, February 16, 2010, and March 8, 2010. Incident to filing this motion, the court exercises judicial discretion and changes the motion to a "non-hearing motion." **As of the date of this filing, this motion has not been addressed by the court. (Trial court entry #131)**

Petitioners were barred from the court's chambers and denied access to the court's clerk on March 11, 2010 and therefore unable to communicate effectively with the court to obtain court dates for motions.

In response to this motion, on June 14, 2010 the Plaintiff files a motion for Partial Summary Judgment (trial court entry #132).

On June 22, 2010, the trial court addresses the Petitioners' motion for recusal filed March 23, 2010 (Trial court entry #88) and denies said motion. The judge has to leave for personal business and continues the hearing to

July 2, 2010 to address the remaining Petitioners motions filed March 8, 2010. The Petitioners make it clear on the record that they are able to prove the Plaintiff tampered with and sanitized discovery items presented 6 months after the request for production of documents. The court does not state a time on the record for the hearing July 2, 2010.

On July 2, 2010, the Petitioner arrives at the courthouse at 07:45 A.M. to file a withdrawal motion for the hearing set for July 6, 2010. The Petitioner delivers the motion to the clerk of court and hand delivers a copy to the trial court's clerk outside the courts courtroom (trial court entry #142). This occurs at approximately 08:15 A.M. The Petitioner is dressed in blue jeans and flip flops (not normal court attire) and the court's clerk makes no comment or reference that a hearing is about to take

place within the hour the Petitioner is expected to appear. There are no other attorneys present in the hallway that would lead one to believe a hearing was about to take place.

At approximately 9:30 A.M. the Petitioner arrives home and finds a phone message on the answering machine from the same clerk earlier met in the hallway outside the courtroom stating a hearing was taking place. This clerk knew the Petitioner cell phone number as she had used it to call the Petitioner on March 8, 2010 while the Petitioner was at work. This clerk called the Petitioners home phone knowing the Petitioner had recently left the courthouse. The message states the hearing was scheduled for 9:00 A.M. The Petitioner immediately calls the clerk and court's chambers and follows up with fax to the trial court, clerk of the appellate

court, and the commission on judicial conduct questioning why the Petitioners were not informed of the change in court time. The court is reminded that ALL previous hearing were held at 3:00 P.M. accommodating the Petitioners work schedules.

Previous Hearing schedule

October 8, 2009	hearing	3:00 p.m
October 16, 2009	cancelled	3:00 p.m
January 6, 2010	hearing	3:00 p.m
February 11, 2010	withdrawn	3:00 p.m
March 11, 2010	hearing	3:00 p.m
May 4, 2010	continued	3:00 p.m
June 22, 2010	hearing	3:00 p.m
July 2, 2010	hearing	not stated
July 6, 2010	hearing	3:00 p.m
August 12, 2010	hearing	3:00 p.m

The Petitioners demand the hearing be reset so the Petitioners had the opportunity to be heard. The request is denied and the court holds an Ex Parte hearing with opposing counsel's attorneys.

On July 6, 2010, the court grants the Petitioners motion for withdrawal thereby acknowledging the Petitioner presence in the courthouse on July 2, 2010 at 8:15 A.M. The Petitioners inform the court they have been traumatized emotionally, psychologically, and financially by the courts repeated abuse of judicial discretion and perpetuation of the blatant abuse of process engaged in by the Plaintiff. The Petitioners do not have the emotional strength or financial ability to appear at the one-side courtroom procedures anymore. The Third Party defendants do not appear at this hearing having filed a motion of non-appearance.

On July 12, 2010 (Trial court entries #145 & #146 the Petitioners file a response in opposition to the Plaintiff's motion for Partial Summary judgment and a motion for a continuance pending US Supreme Court review and a notice of non-appearance for the hearing scheduled August 12, 2010.

On or about July 15, 2010, the Petitioners fearing for their safety, health and welfare seeing the connection between the Anderson Law firm and the trial court judge relocate to a safe house outside the State of Hawaii unaware of the depth of harm the law firm Anderson, Lahne, & Fujisaki LLP and trial court judge Gary WB Chang are capable of causing due to their perpetuation of organized criminal activity akin to RICO 18 U.S.C. § 1962 et seq. Evidence of this has been provided to Law Enforcement (No. OCP 2009-931, May 2009) on more than

one occasion, The United States Attorney General, The Federal Trade Commission (Ref. 229634444, June 2009; #26461596, May 2010; and # 27413730, August 2010 , The US Department of Housing and Urban Development (No. 09-10-0955-8; with the HCRC No. RE-O-0882), and the IRS (April 2009).

Between July 19, 2010 and August 17, 2010, the trial issues various orders denying all of the Petitioners previously filed motions.

On August 12, 2010, date set for hearing, the Petitioners, Third Party Defendants, and Counterclaim parties all file previous motions for non-appearances. Apparently, the trial court held a hearing with just the Plainffs attorney present; however, up to the date of this filing, the trial court has not entered any court minutes or

indicated the presence of a court reporter for the making of a record.

Court Minutes Text

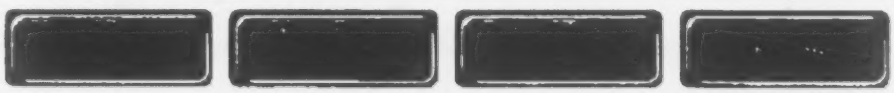
Case Title: PALEHUA COMM ASSN VS RONALD JULIAN HANSON ETAL

1CC09-1-001935

Div.: 1C14 CM **DATE:** 08-12-2010 **Time:** 0300P **Priority:** 0 **Judge I.D.:** JGWBCHA

Video No.: **Audio No.:**

Minutes:



True copy Dated 8/ 29/ 2010

The Petitioners did research the Ho'ohiki cout tracking system since the August 12, 2010 hearing date looking for any information they needed to know. What the Petitioners do know, is that since August 12, 2010 and

the date of this filing, the Plaintiff has filed three documents leaving one to believe the trial court is engaged in on going Ex Parte communication with the Plaintff's attorneys and has granted summary judgment August 12, 2010 with a pending order waiting to be signed and filed (enroute via US Mail to our safe house.

Summary

Since the trial court denied the Petitioners Affirmative Defenses on August 17, 2010 (Trial court entry #155) and Granted the Plaintiff's Motion for Summary Judgment, **the TRIAL COURT PROCEDURE IS OVER.** The Petitoners are awaiting the courts final appealable order to repeat the appellate process again on the same issues.

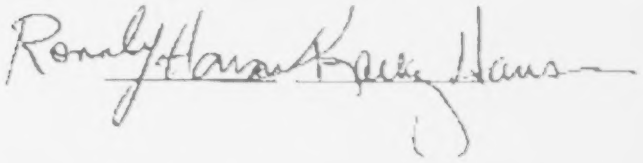
This Abuse of Process should never have entered the court system to begin with: 1) Petitioners are victims of organized criminal activity, 2) The Doctrine of Laches, applies, and 3) the Plaintiff deliberate destruction of evidence (attached to Petitioners documents trial court exhibits #145 and #146 as proof). Now the trial court is pursuing his own agenda in disposing of trial court

business in a hurried arbitrary way. **The trial court never considered or ruled on the Petitoners motion for sanctions dated June 8, 2010 (trial court entry # 131).**

Conclusion

For the foregoing reasons, the Petitioners, Ronald Julian Hanson and Kathy Ann Hanson (husband and wife) respectfully requests that the Petition be granted along with the motion to proceed In Forma Pauperis.

Respectfully Submitted,



Ronald Julian Hanson & Kathy Ann Hanson,

Petitioners